

**CITY OF MURFREESBORO
BOARD OF ZONING APPEALS**

Regular Meeting, June 26, 2019, at 1:00 p.m.
City Hall, 111 West Vine Street, Council Chambers, 1st Floor

A G E N D A

1. Call to order
2. Consideration of minutes for the regular meeting on May 22, 2018.
3. New Business

Special Use Permit Requests

- a. **Application Z-19-021 by Mr. Yassin Dakkak, represented by Mr. Clyde Rountree of Huddleston-Steele Engineering, Inc.,** is requesting a special use permit in order to operate a motor vehicle sales (automobile sales) establishment in a Highway Commercial (CH) zone for property located at 2135 Southeast Broad Street (Manchester Pike). All interested parties are invited to attend.
4. Staff Reports and Other Business
 - a. Election of Chair 2019-2020
 - b. Election of Vice-Chair 2019-2020
5. Adjourn

Regular Meeting Minutes of the Murfreesboro Board of Zoning Appeals

**May 22, 2019 – 1:00 P.M.
Council Chambers**

MEMBERS PRESENT

Davis Young, Chair
Ken Halliburton, Vice-Chair
Julie King
Tim Tipps
Misty Foy

MEMBERS ABSENT

STAFF PRESENT

Austin Cooper, *Planner*
David Ives, *Assistant City Attorney*
Donald Anthony, *Planning Director*
Brenda Davis, *Recording Assistant*

Chairman Young called the meeting to order at 1:00 P.M.

The minutes from the April 24, 2019 regular meeting were approved as submitted.

Special Use Permit

Application Z-19-011 by Randy Ward of R.L. Builders on behalf of Seventh Day Adventist Church, requesting a Special Use Permit to expand an existing Institutional Group Assembly Use located on property in the RS-8 zoning district at 711 N. Maney Avenue.

Mr. Cooper reviewed the application and staff comments contained in the BZA agenda package.

Mr. Halliburton verified the applicants meet all the setback requirements on adjacent properties based upon this addition.

Mr. Cooper said yes and added where the addition is going, the property is zoned RS-8. He said there is an additional part to the back that is zoned RM-12 but the addition meets the setbacks required for RS-8.

BZA Minutes
Regular Meeting
May 22, 2019

Mr. Cooper also added the applicant will go through site plan approval.

Chairman Young opened the public hearing. There being no one to speak for or against the application, Chairman Young closed the public hearing.

Ms. King made a motion to approve the Special Use Permit request by Randy Ward of RL Builders on behalf of Seventh Day Adventist Church to expand an existing Institutional Group Assembly use located on property in the RS-8 zoning district at 711 North Maney Avenue with the following condition:

- 1) The applicant shall submit a site plan for review and approval in accordance with the regulations set forth in the Zoning Ordinance.

The motion was seconded by Mr. Tipps and carried unanimously in favor.

Staff Reports and Other Business

None

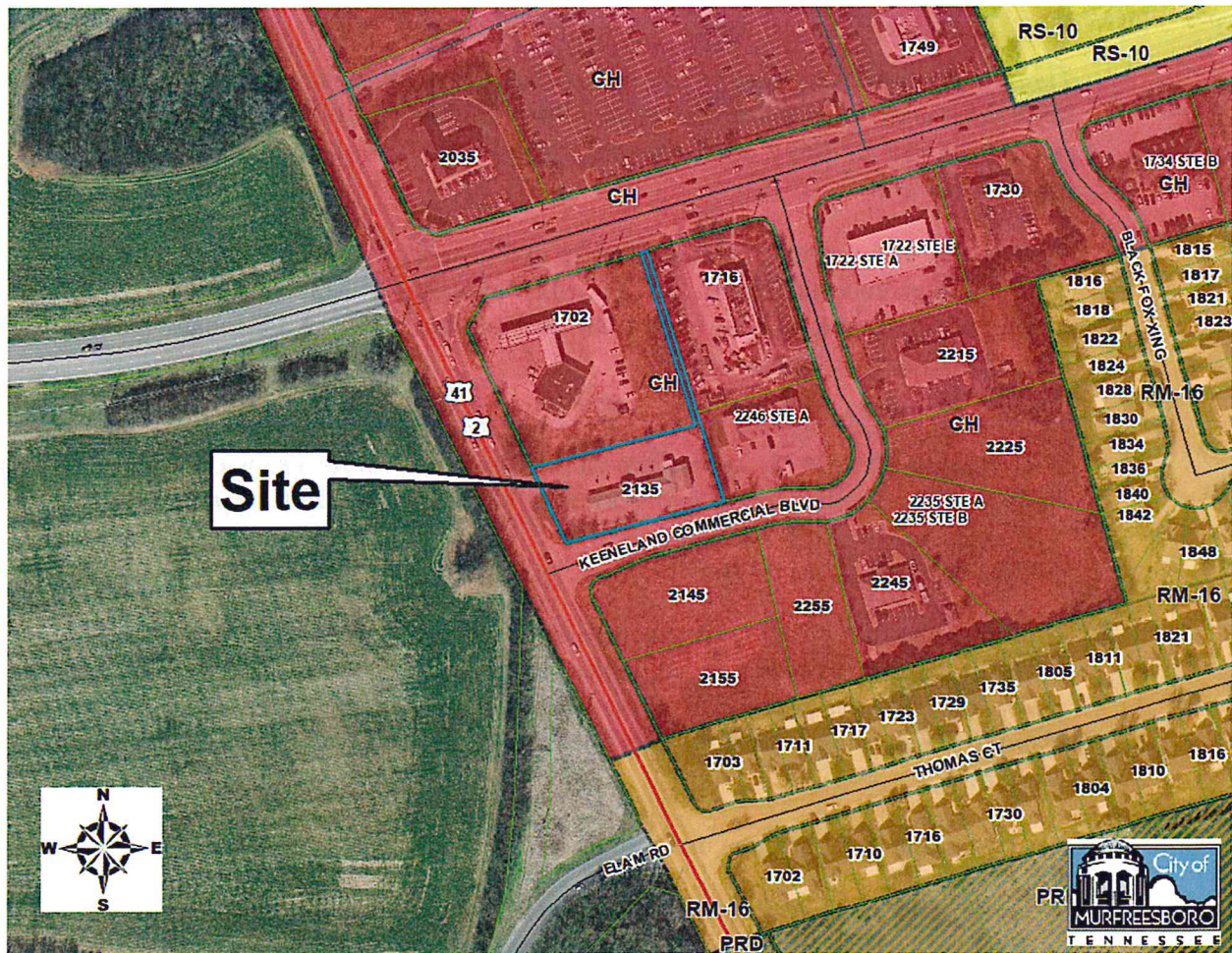
The meeting adjourned at 1:05 P.M.

CHAIRMAN

SECRETARY

**MURFREESBORO BOARD OF ZONING APPEALS
STAFF REPORT
JUNE 26, 2019**

Application: Z-19-021
Location: 2135 Southeast Broad Street (Manchester Pike)
Applicant: Yassin Dakkak
Zoning: Highway Commercial (CH) district
Request: Amend the Special Use Permit in order to operate a motor vehicle sales (automobile sales) establishment in a CH zone.



Request Overview

The applicant, Mr. Yassin Dakkak, seeks a Special Use Permit for a property located at 2135 Manchester Pike in order to operate a Motor Vehicle Sales (Automobile Sales) business on a 0.74-acre parcel located along the East side of Manchester Pike, South of Rutherford Boulevard. The proposed auto sales lot would include a 947 square foot office and service building, 18 vehicle display parking spaces, 2 employee parking spaces, 2 customer parking spaces, and 1 accessible parking space. The site would have access along Manchester Pike and Keeneland Commercial Boulevard. The property is zoned Highway Commercial (CH). It was previously used as a self-service vehicle wash.

Relevant Zoning Ordinance Sections

Section 9(C)

1. *That the proposed building or use will not have a substantial or undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utility facilities, and other matters affecting the public health, safety, and general welfare.*

Staff is concerned about increased traffic in this area. Vehicles currently back up from the intersection of South Rutherford Boulevard and Manchester Pike well past Keeneland Commercial Court and Elam Road to the south. Additional trips will only serve to exacerbate this issue.

2. *That the proposed building or use will be constructed, arranged, and operated so as to be compatible with the immediate vicinity and not to interfere with the development and use of adjacent property in accordance with the applicable district regulations.*

It appears that this has been met.

3. *That the proposed buildings or use will be served adequately by essential public facilities and services such as highways streets, parking spaces, drainage structures, refuse disposal, fire protection, water and sewers, or that the persons or agencies responsible for the establishment of the proposed use will provide adequately for such services.*

It appears that this has been met.

4. *That the proposed building or use will not result in the destruction, loss, or damage of any feature determined by the BZA to be of significant natural, scenic, or historic importance.*

It appears that this has been met.

5. *That the proposed building or use complies with all additional standards imposed on it by the particular provision of this section authorizing such use.*

It appears that this has been met.

Section 9(D)(ffff)

1. *each lot used for automobile sales shall include a principal structure designed and constructed in accordance with the provisions of this article (Appendix A: Zoning) and all other applicable regulations and codes;*

It appears that this has been met.

2. *in addition to meeting the minimum parking required in Chart 4 of this article (Appendix A: Zoning), supplementary parking spaces meeting the following requirements shall be provided for customers, employees, and service vehicles:*

[a] customer parking shall be clearly designated via signage and striping and shall be provided at the following minimum ratios: Total number of vehicles on sales lot Minimum number of customer parking spaces required

<i>0-25</i>	<i>2 spaces</i>
<i>25-50</i>	<i>3 spaces</i>
<i>51-75</i>	<i>4 spaces</i>
<i>76-100</i>	<i>5 spaces</i>
<i>101-150</i>	<i>6 spaces</i>
<i>151-200</i>	<i>7 spaces</i>
<i>201-250</i>	<i>8 spaces</i>
<i>251 or more</i>	<i>10 spaces</i>

[b] one employee parking space shall be provided for each employee on the largest shift;

[c] one parking space shall be provided for each service vehicle;

[d] all driveways and parking areas, including automobile storage and display areas, shall be surfaced with asphalt, concrete, or other hard dustless surface material. Bituminous surface treatments ("tar and chip") shall not be allowed on any driveway, automobile storage area, or parking lot.

[e] Parking and display of automobile inventory shall occur only in areas designated in the special use permit application. Driveway aisles, public right-of-way, and landscaped areas shall not be used for automobile parking or display;

It appears that this has been met. Staff requests that, "*Parking and display of automobile inventory shall occur only in areas designated in the special use permit application. Driveway aisles, public right-of-way, and landscaped areas shall not be used for automobile parking or display;*" is made as a condition of approval.

3. *automobile parts and salvage/junk automobiles shall not be stored on any outdoors portion of the site;*

Staff requests that this is made a condition of approval.

4. *all automobiles visible from the public right-of-way or lying adjacent to any area zoned for residential uses shall be operational;*

Staff requests that this is made a condition of approval.

5. *tents and other temporary or accessory structures shall not be erected on the site except in accordance with the provisions of this article;*

Staff requests that this is made a condition of approval.

6. *outdoor sound amplification shall not be allowed*

Staff requests that this is made a condition of approval.

7. *the following landscape buffers shall apply to automobile sales lots lying adjacent to residential, mixed use, and office zoning districts: Adjacent Zoning Buffer Required RS-15, RS-12, RS-10, RS-8, RS-4, R-D, RM-12, RM-16, RS-A, R-MO, MU, OG-R - Type E
OG, CU, P, CBD - Type D*

The subject property is not adjacent to residential, mixed use, or office zoning districts.

8. *all loading and unloading of automobiles shall be accomplished on-site. Automobile loading, unloading, staging, and maneuvering shall not be permitted within any public right-of-way. Loading/unloading areas shall be provided as follows:
[a] each site used for automobile sales shall provide a loading/unloading area of 150 feet in length by 25 feet in width;
[b] the required loading/unloading area shall not block or utilize any portion of the designated customer, employee, or service vehicle parking area(s) or any internal driveway as required by Section 26 of this article;*

It appears that the required loading/unloading areas has been provided. Staff also requests that, “Automobile loading, unloading, staging, and maneuvering shall not be permitted within any public right-of-way.”, is added as a condition of approval.

9. *fencing may be constructed in automobile inventory areas, provided that such fencing meets the following standards: [a] no barbed wire or razor wire shall be permitted; [b] chain-link fencing shall be plastic coated with black or green coating; and [c] chain-link fencing shall not be allowed along the perimeter of any automobile storage area lying adjacent to a public right-of-way;*

No fencing has been proposed with this plan.

10. *automobile service bays and overhead service area doors shall not be visible from any public right-of-way;*

Staff requests that this is made a condition of approval.

- 11. mechanical and other automobile services shall not be performed within 100 feet of any property zoned for residential use, regardless of any lesser minimum building setbacks;*

No property zoned for residential use is located within 100 ft of where mechanical or automobile services will occur.

- 12. hours of operation shall be limited to "daytime hours" as defined in the Murfreesboro Noise Control Ordinance;*

Staff request that this is made a condition of approval.

- 13. the applicant shall provide a site plan showing all proposed structures, parking areas, automobile storage areas, landscaped areas, buffers, delivery/loading areas, and fencing. The site plan shall also indicate the maximum number of for-sale, for-rent, and/or for-lease automobiles that can be accommodated by the provided parking and storage areas;*

Staff acknowledges the receipt of a conceptual plan that appears to meet these requirements.

- 14. where the requirements of this subsection exceed those of other subsections and exhibits in this article (Appendix A: Zoning), excepting Section 24 Article III, the standards set forth in this subsection shall supersede those subsections and exhibits; and*

It appears that this has been met.

- 15. the Board of Zoning Appeals may require additional standards to ensure the compatibility of the automobile sales lot with other properties in the vicinity*

Staff Comments

The subject property is a 0.74-acre property zones Highway Commercial (CH) located on the eastern side of Manchester Pike. It is bordered along the northern, southern, and eastern sides by property that is zoned CH. The property to the west across Manchester Pike is in the County and is zoned Residential Medium Density (RM). However, this property appears to be 100 ft or greater from the subject property.

The property to the north is currently used as a convenience store (Kangaroo Express), the property to the east is a multi-tenant office building, and the property to the south and to the west is vacant.

Staff has reviewed the applicant's request letter and conceptual site plan. The applicant attests that additional standards for motor vehicle sales can be met.

Conditions of Approval

If approved, staff requests that the following are included as conditions of approval.

1. Parking and display of automobile inventory shall occur only in areas designated in the special use permit application. Driveway aisles, public right-of-way, and landscaped areas shall not be used for automobile parking or display.
2. Automobile parts and salvage/junk automobiles shall not be stored on any outdoors portion of the site.
3. All automobiles visible from the public right-of-way or lying adjacent to any area zoned for residential uses shall be operational.
4. Outdoor sound amplification shall not be allowed.
5. Automobile loading, unloading, staging, and maneuvering shall not be permitted within any public right-of-way.
6. Automobile service bays and overhead service area doors shall not be visible from any public right-of-way.
7. Hours of operation shall be limited to "daytime hours" as defined in the Murfreesboro Noise Control Ordinance.

The Board should conduct a public hearing on this matter and determine whether a Special Use Permit is warranted. The applicant will be in attendance at the meeting to discuss the request and answer any questions the Board may have.

Attachments

1. BZA application
2. Letter accompanying application
3. Chart 1 – Murfreesboro Zoning Ordinance
4. Photos of site

City of Murfreesboro
BOARD OF ZONING APPEALS

HEARING REQUEST
APPLICATION

Location/Street Address: 2135 BROAD ST.

Tax Map: 112

Group:

Parcel: 0309

Zoning District: CH

Applicant: HUNDLISTON-STEVE E-Mail: CROUNTEE@hsongr.com

Address: 2115 N.W. BROAD STREET

Phone: 615-893-4085

City: MURFREESBORO

State: TN

Zip: 37090

Property Owner: 508 INVESTORS INC.

Address: P.O. BOX 745

Phone:

City: SHELBYVILLE

State: TN

Zip: 37162

Request: APPLYING FOR SPECIAL EXCEPTION REQUEST
FOR A USED CAR LOT

Zoning District: CH

Applicant Signature: Clyde Crounsee

Date: May 6, 2019

Received By: B. DAVIS

Receipt No.: 530001

Application #:

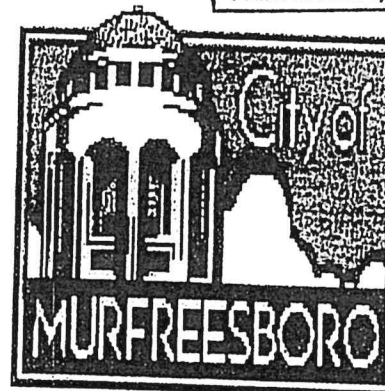
6-10-19

Murfreesboro
Board of
Zoning Appeals

Received
Planning Department

JUN 10 2019

111 West Vine Street
Murfreesboro, TN 37130



T E N N E S S E E

HEARING APPLICATION
AND
GENERAL INFORMATION

May 6, 2019

Board of Zoning Appeals
City of Murfreesboro Planning Department
111 West Vine Street
Murfreesboro, TN 37133-1139

RE: 2135 Broad Street, Murfreesboro, TN

Dear Board of Zoning Appeals Members,

Our client, Yassin Dakkak, is seeking to establish a motor vehicle sales location at 2135 Broad Street. Currently there is a car wash at this location. After reviewing the criteria for the special exception requirement for car lots, we believe this site meets the criteria for our request.

Section 9 (D)

(ffff) Motor Vehicle Sales (Automobile) shall be subject to the following additional standards:

- [1] The principle structure, which currently exist will be remodeled in accordance with the provisions of this article (Appendix A :Zoning), and all other applicable regulations and codes. The current structure will be significantly reduced in size with a 46' x 28' portion of the existing building remaining.
- (ffff)[2] [a] The car lot will have a maximum of 18 cars for sale with the required 2 parking spaces for customers as stated in the table for car lots between 0-25 cars.
 - [b] The car lot will also have 2 employee parking spaces for the on-site employees on the largest shift.
 - [c] No service vehicles will be associated with this business.
 - [d] The parking area is currently in place and is concrete.
 - [e] All parking of automotive inventory shall take place only in areas designated in the special use permit application.
- [3] Automobile parts and salvage/junk automobiles shall not be stored on any outdoor portion of the site.
- [4] All automobiles visible from the public right-of-way or lying adjacent to any area zoned for residential uses will be operational.
- [5] Tents and other temporary or accessory structures will not be erected on the site except in accordance with the provision of the zoning ordinance.
- [6] There will be no outdoor sound amplification used on the site.
- [7] The site has an existing mature tree line on all sides and is surrounded by CH zoning with the exception of RM zoning across Southeast Broad Street (Highway 41). No additional buffer is being proposed on the concept plan.
- [8] All loading and unloading will be accomplished on site.
 - [a] The required 150 x 25 feet loading/unloading zone is shown on the concept plan.
 - [b] The loading/unloading zone does not block or utilize any portion of the designated customer, employee, or service vehicle parking area. The loading zone allows for uninhibited internal circulation.
- [9] No fencing is being proposed on the concept plan.
 - [a] No bared wire or razor wire shall be used on the site.
 - [b] No chain-link fencing is being proposed on the site.

- [c] No chain-link fencing is being proposed on the site.
- [10] Automobile service bays are on the rear of the buildings away from the public right-of-way.
- [11] Any mechanical and other automobile services will not be performed within 100 feet of any property zoned residential.
- [12] Hours of operation will be limited to "daytime hours" as defined in the Murfreesboro Noise Control Ordinance.
- [13] This letter is accompanied by a conceptual site plan with all the required items denoted.
- [14] To our understanding all requirements of this subsection has been meet.
- [15] It is understood that the Board of Zoning Appeals may require additional standards to ensure the compatibility of the automobile sales lot with other properties in the vicinity.

Thank you for considering our request. If you have any questions or concerns, or if you would like any additional information, please do not hesitate to contact me at any time.

Sincerely,
Huddleston-Steele Engineering, Inc.

A handwritten signature in cursive script, appearing to read "Clyde Rountree".

Clyde Rountree, RLA
Planner

Chart 1
Page 5 of 9

Revised: 08-31-17

APPENDIX A - ZONING

USES PERMITTED ³	ZONING DISTRICTS																								
	RS 15	RS 12	RS 10	RS 8	RS 6	RS 4	RD	RM 12	RM 16	RS-A	R MO	OG R ²	OG ²	CL ²	CF ^{2,14}	CH ²	MU ²	CBD ²	HI ²	LI ²	CM-RS-8 ²	CM-R ²	CM ²	CU	P
Motor Vehicle Sales (Automobiles)																S	S		X ^{EN}	X ^{EN}					
Motor Vehicle Sales (Other Than Automobiles)																S	S		X	X					
Motor Vehicle Service ¹²																X	X		X	X					
Movie Theater															X	X	X	X	X	X					
Music or Dancing Academy															X	X	X		X	X					
Offices												X	X	X	X	X	X	X	X	X	X ⁵	X ⁵	X ⁵		
Optical Dispensaries												X	X		X	X	X	X	X	X	X	X	X		
Pawn Shop																X		X	X	X					
Personal Service Establishment														X	X	X	X	X	X	X					
Pet Crematory																			S	S					
Pet Funeral Home															X	X			X	X					
Pet Shops															X	X	X	X	X	X					
Pharmacies												X	X	X	X	X	X	X	X	X	X	X	X		
Photo Finishing														X	X	X	X	X	X	X					
Photo Finishing Pick-Up Station														X	X	X	X		X	X					
Radio, TV, or Recording Studio																X	X	X	X	X					
Radio and Television Transmission Towers															S	S		S	S	S				S	
Rap Parlor																			X ⁹						
Reducing and Weight Control Service												X	X	X	X	X	X	X	X	X	X	X	X		
Restaurant and Carry-Out Restaurant														X	X	X	X	X	X	X					
Restaurant, Drive-In																X			X	X					
Restaurant, Specialty														X	X	X	X	X	X	X					
Restaurant, Specialty -Limited												S	S	X	X	X	X	X	X	X	S	S	S		
Retail Shop, other than enumerated elsewhere															X	X	X	X	X	X					
Salvage and Surplus Merchandise																X			X	X					
Sauna																			X ⁹						
Sheet Metal Shop																X			X	X					
Shopping Center, Community																X	X		X	X					
Shopping Center, Neighborhood															X	X	X		X	X					
Shopping Center, Regional																X	X		X	X					
Specialty Shop												X	X	X	X	X	X	X	X	X		X			
Tavern																X		X	X	X					
Taxidermy Studio																S			S	S					
Towing ¹²																X			X	X					

X = Use permitted by right.

S = Use requiring site plan review and approval subject to the issuance of a special use permit in accordance with the provisions of Sections 8 and 9



